

REMARKS

This Amendment is being filed in response to the Office Action mailed July 15, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-10 remain in the Application where claim 10 has been added by this amendment, and claim 1 is independent. Applicants reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice. Further, the specification has been amended for better conformance to U.S. practice.

In the Office Action, claims 1-7 and 9 are rejected under 35 U.S.C. §102(a) as allegedly anticipated by U.S. Patent Application Publication No. 2002/0009032 (Tsukuda). Further, claim 8 is

rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Tsukuda in view of U.S. Patent No. 6,246,531 (Hori). It is respectfully submitted that claims 1-10 are patentable over Tsukuda and Hori for at least the following reasons.

Tsukuda is directed to a method for tilt correction of an objective lens for optical disk. As clearly shown in the figures of Tsukuda, such as FIGs 5 and 14, fixed portion 11 and the lens 1 (on the movable portion 13 supported by elastic supporting members 3) are at the same distance from the disk, where the movable portion 13 is even at a greater distance from the disk than the fixed portion 11. It is in the activated state when the movable portion 13 is moved closer to the disk, as shown in FIG 2, 10 and 16.

In stark contrast, the present invention as recited in independent claim 1, amongst other patentable elements recites (illustrative emphasis provided):

wherein at least in an inactivated state of the actuator the mounting position of the at least one elastic support member at the lens holder is located closer to the disk than the respective mounting position of the at least one elastic support member at the frame, as seen in the focusing direction of the

lens.

An elastic member mounting position at the lens holder being closer than the mounting position at the frame, in the inactivated state, is nowhere disclosed or suggested in Tsukuda. Rather, the movable part 13 of Tsukuda is closer to the disk than the fixed part 11 in the activated state. Hori is cited to allegedly show other features and does not remedy the deficiencies in Tsukuda.


Accordingly, it is respectfully requested that independent claim 1 be allowed. In addition, it is respectfully submitted that claims 2-10 should also be allowed at least based on their dependence from independent claim 1 as well as their individually patentable elements. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position,

should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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